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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,492	07/13/2004	Lorenz Kopp	B-7195	8280

7590 01/27/2006
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EXAMINER

KOCH, GEORGE R

ART UNIT PAPER NUMBER

1734

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/501,492

Applicant(s)

KOPP, LORENZ

Examiner

George R. Koch III

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1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 13-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/21/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of group I, claims 1-12 in the reply filed on 11/7/045 is acknowledged. The traversal is on the ground(s) that there is no search burden. This is not found persuasive because the apparatus merely requires searching for structural elements. The method steps can be partially performed by hand. Searching and prosecuting both groups would result in two separate inventions being examined, plus the additional effort or coordinating and organizing any responses between the two groups, more the duplicating the effort required by the patent office.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Schneider (DE 197 17 511 A1, submitted with the IDS filed 12/21/20045).

Schneider discloses a conveyORIZED horizontal processing line for wet processing a workpiece comprising at least one respective transport member (rollers visible in the Figures), extending in a horizontal direction of transport, at least one processing facility (bath 1), which forms one structural component (Transport und Fuhrungselemente - items 2) above the conveying path, and at least one adjusting device (Motor 5) to raise and lower a structural component.

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As to claim 2, Schneider is capable of maintaining the spacing substantially even.

As to claim 3, Schneider discloses a thickness sensor (Dickensensor or thickness sensor 8).

As to claim 4, Schneider discloses one sensor at the entrance region (items 6 - i.e., Einweglichtschranke, translates to "One-way light barrier")

As to claim 5, Schneider discloses a memory (Anlagensteuerung or control 12).

As to claim 6, the sensors and control of Schneider are capable of being used to control the height of the structural component (thickness sensor 8, light barrier sensor 6, and away sensor 9, plus control 12).

As to claim 7, Schneider discloses a motor as claimed for the adjusting device (motor 5).

As to claim 8 and 9, Schneider discloses a pump (Pumpe 16) and nozzles (Dusenspeiseleitung 19) as claimed.

As to claim 10, the transport rollers of Schneider work on the same substrate and have the same shape as the transport rollers in the Figures, and thus have an elongated shape.

As to claim 12, Schneider discloses lateral transport rollers and transport rolls mounted on an axis (items 2).

Claim Rejections - 35 USC § 103

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-12 are additionally rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider (DE 197 17 511 A1, submitted with the IDS filed 12/21/20045) in view of Huang (US 6,261,425)

Schneider discloses a conveyORIZED horizontal processing line for wet processing a workpiece comprising at least one respective transport member (rollers visible in the Figures), extending in a horizontal direction of transport, at least one processing facility (bath 1), which forms one structural component (Transport und Fuhrungselemente - items 2) above the conveying path,

Under one interpretation, Schneider does not disclose at least one adjusting device (Motor 5) to raise and lower a structural component.

However, Huang discloses at least one adjusting device (slots 42A and 42B - see column 4, lines 48-57) to raise and lower a structural component. Huang discloses that

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these elements prevent jamming. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized such adjusting devices in order to prevent jamming of the substrate.

As to claim 2, Schneider is capable of maintaining the spacing substantially even.

As to claim 3, Schneider discloses a thickness sensor (Dickensensor or thickness sensor 8).

As to claim 4, Schneider discloses one sensor at the entrance region (items 6 - i.e., Einweglichtschranke, translates to "One-way light barrier")

As to claim 5, Schneider discloses a memory (Anlagensteuerung or control 12).

As to claim 6, the sensors and control of Schneider in combination with Huang are capable of being used to control the height of the structural component (thickness sensor 8, light barrier sensor 6, and away sensor 9, plus control 12).

As to claim 7, Huang discloses a slots as claimed for the adjusting device (motor 5).

As to claim 8 and 9, Schneider discloses a pump (Pumpe 16) and nozzles (Dusenspeiseleitung 19) as claimed.

As to claim 10, the transport rollers of Schneider and Huang work on the same substrate and have the same shape as the transport rollers in the Figures, and thus have an elongated shape.

As to claim 11, Huang as incorporated discloses slots 42A and 42B, i.e., lateral long hole bearings.

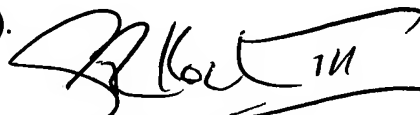
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As to claim 12, Schneider discloses lateral transport rollers and transport rolls mounted on an axis (items 2).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George R. Koch III whose telephone number is (571) 272-1230. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'G. Koch III', with a stylized flourish underneath.

George R. Koch III
Primary Examiner
Art Unit 1734

GRK
1/23/2006